

## REMARKS

The Examiner requires restriction to one of the following inventions:

I. Claims 1-37, drawn to a system for delivery of media files to a particular digital media payback device, classified in class 709, subclass 217.

II. Claims 38-64, drawn to an application server for assembling media content and usage rights, classified in class 709, subclass 229.

Claim 38 has been amended to depend from Claim 1 and Claim 52 has been amended to depend from Claim 28. Accordingly, Applicants submit that the restriction requirement is now moot and requests examination of all pending Claims 1-64.

In the event that the Restriction Requirement is maintained despite the discussion above, Applicants provisionally elect Group I, claims 1-37.

Applicants respectfully reserve the right under 35 U.S.C. § 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application, or an application claiming priority from this application.

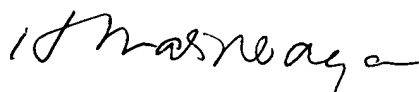
### CONCLUSION

In light of the foregoing, Applicant respectfully requests that the Restriction Requirement be withdrawn and the claims examined. Should any other action be contemplated by the Examiner, it is respectfully requested that he contacts the undersigned at (408) 392-9250 to discuss the application.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 14, 2005.

 1/14/2005  
Attorney for Applicant(s)      Date of Signature

Respectfully submitted,



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